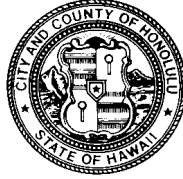


**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

925 DILLINGHAM BOULEVARD, SUITE 190 • HONOLULU, HAWAII 96817
PHONE: (808) 768-9242 • FAX: (808) 768-7768 • EMAIL: ethics@honolulu.gov • INTERNET: www.honolulu.gov/ethics

KIRK CALDWELL
MAYOR



JAN K. YAMANE
EXECUTIVE DIRECTOR
AND LEGAL COUNSEL

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

Date and Place: June 24, 2020
Webex Video Conferencing
Meeting Number (Access Code): 1461069061
Meeting Password: RzuptxNZ283 (79878969 from phones and video systems) or
join by phone 1-408-418-9388

Present: Hon. Victoria Marks (ret.), Chair
David B. Monk, Vice Chair

Peter S. Adler, Commissioner
Hon. Riki Amano (ret.), Commissioner
Lynette Lo Kanda, Commissioner
Michael A. Lilly, Esq., Commissioner
Hon. Allene R. Suemori (ret.), Commissioner

Jan K. Yamane, Executive Director and Legal Counsel (EDLC)
Laurie A. Wong-Nowinski, Associate Legal Counsel (ALC)
Janice K. Yonamine, Investigator (INV)
Joanne O.N. Lim, Sr. Clerk (Sr. CLK)
Kristie E.L. Kato, Sr. Clerk (Sr. CLK)

Moana Yost, Deputy Corporation Counsel,
Department of the Corporation Counsel (COR)

B.L., member of the public

MINUTES OF THE ETHICS COMMISSION MEETING

I. Call to Order, Public Notice, Quorum

Chair Marks called the meeting to order at approximately 11:31 a.m., declaring quorum with all commissioners present via Webex.

II. New Business

A. Chair's Report

1. For Action: Approval of Open Session Minutes of April 15, 2020

Commissioner Amano made and Commissioner Adler seconded a motion to approve the open session minutes of April 15, 2020. The motion carried unanimously.

2. For Action: Approval of Open Session Minutes of May 1, 2020

Commissioner Kanda requested that the minutes be revised to correct the spelling of Commissioner Lilly's name on page 5.

Vice Chair Monk made and Commissioner Amano seconded a motion to approve the open session minutes of May 1, 2020, as amended. The motion carried unanimously.

B. Executive Director and Legal Counsel's Report

1. Staff Work Reports Summary

The EDLC stated that most ethics staff continue to tele-work.

The EDLC reported that one of the Sr. CLKs is finalizing processing of lobbyist registrations, annual reports, and financial disclosures. She stated that there was an issue with lobbyists notarizing their forms because banks and other financial services are closed. They also met with the City Clerk's office to discuss public financial disclosure procedures and notification issues when city officers enter or leave service. The EDLC also reported that the other Sr. CLK is updating our website and handling social media.

The EDLC reported that the LCIII has been in the office daily answering the phone and reviewing and distributing mail and emails.

The EDLC reported that the INV has been able to focus more on the case load. She referred to the INV's pie chart and noted that work on complaints increased to almost 70 percent of her time.

The EDLC reported that the ALC continues to carry a heavy administrative load.

Commissioner Amano asked if there was any way to measure progress on resolving the complaints backlog.

The ALC stated that she meets with the INV every other week to discuss case status. She stated that she could create an aging report for the next EC meeting. The EDLC stated that the EC may have to go into executive session to discuss the report.

2. Statistics

a. Website Sessions – February, March, April, May 2020

The EDLC reported the following: February 2020 (497), March 2020 (460), April 2020 (400), May 2020 (466).

b. Financial Disclosure Filings – Update

The EDLC stated that she processed 387 confidential city officer and employee E-Forms from January to March 2020.

c. Lobbyist Registrations, Annual Reports – Update

The EDLC stated that there are many organizations with one to five lobbyists working for them. She also stated that staff will continue to compile lobbyist statistics for the fiscal year.

3. Budget

a. FY2021 Operating Budget – Bill 20 (2020), CD1, FD1

The EDLC stated that the FY 2021 Operating Budget passed on June 3, 2020 as Bill 20 (2020) CD1, FD 1. On June 18, 2020, it was enacted without the Mayor's signature and is now Ordinance 20-22. The Council Draft 1 (CD1) added the requested three full-time staff (administrative specialist, training specialist, and investigator). The Council's Floor Draft 1 (FD1) included two additional positions (private secretary and associate legal counsel). After the budget was passed, the executive branch unallotted funds for the Council-added positions. She submitted a request to release funds with the Managing Director's office. The EDLC thanked Chair Marks and Vice Chair Monk for supporting the office through the budget process during this difficult time. Commissioner Amano also thanked Chair Marks, Vice Chair Monk, and the EDLC for their efforts on the budget.

The EDLC mentioned that she is reconfiguring current office space to accommodate the five new positions. A Human Resources Safety Specialist assessed our office and said that our desks are six feet apart. Everyone is encouraged to practice social distancing and wear a face mask to keep everyone in the office safe.

4. Education and Outreach

a. Ethics Training Program (FY19–FY20) – Update

The EDLC announced that the ethics training deadline was extended to December 31, 2020, because of the delay in deploying training. She stated that the online ethics training for board and commission members is still pending production with the Department of Information Technology (DIT). The ALC stated that due to COVID-19, DIT has had to reprioritize and delayed our project.

b. E-Newsletter, Twitter, Website – Update

The EDLC stated that three newsletters were distributed: May 2020 (ethics reminders during the Covid-19 pandemic); June 2020 (campaign activities checklist dos and don'ts); July 2020 (working for a private employer after working for the city). Because it's an election year, many people within the administration are looking for another job. The newsletters are distributed to all agencies, and posted to our website, tweeted, and emailed to those who signed up to receive ethics updates via Webmaster.

The EDLC explained that we recently became aware that there were over 200 people signed up to receive ethics updates via Webmaster, the city's electronic distribution system. She thanked the Sr. CLK for discovering this. Staff cross-referenced the subscribers on Webmaster with Ethics' interested persons email distribution list and others who requested notification to consolidate distribution methods. The staff now uses Webmaster to distribute newsletters and agendas.

Commissioner Amano thanked the EDLC and staff for their newsletter outreach efforts. The EDLC praised the City's Design and Print Shop for creating the newsletters' graphics and layout.

Commissioner Amano stated that we have progressed with the quality and quantity of the newsletters.

c. Brochure – Update

The EDLC stated that the City's Design and Print Shop created the graphics and layout for the brochures: Brochure No. 1 (ethics guidance for city board members), staff requested the Mayor's Office to distribute the brochure to each new appointee; Brochure No. 2 (about the Honolulu Ethics Commission) can be distributed at meetings, trainings, and interviews, to inform others of what we do and how to contact us; and Brochure No. 3 (ethics guidance for city lobbyists), staff requested that it be placed in city reception areas.

Commissioner Amano asked if the brochures will be available electronically. The EDLC stated that all brochures will be posted on our website.

Vice Chair Monk asked about our plans for restocking the brochures. The EDLC stated that we left extra brochures so distribution staff can restock; when stock runs low, they can request more and we can reprint.

Commissioner Adler asked if we have an idea of the number of hits that we get on the website and on Twitter. The EDLC referred back to the slides with the statistics and stated that we have anywhere from 400-500 website sessions. She stated that we will report Twitter statistics at the next meeting.

d. University of Hawai‘i at Mānoa, Richardson School of Law – Posting for Summer Interns – Update

The ALC stated that the public sector law panel was cancelled. The ALC reached out to the director of the law school career center and provided language to post on the job board. The ALC stated that one of our problems is not having a database for our advisory opinions. The ALC has been working on an advisory opinion compendium. She wants a database of advisory opinions available for new legal counsel.

Chair Marks suggested to check back at the law school on a regular basis.

Commissioner Amano asked if the database will be available to the public as well. The ALC stated that the database will be available to the public online. Currently, other attorneys call her to ask for guidance because they can't find an advisory opinion that is on point.

Commissioner Adler asked if the database is specific to the City and County of Honolulu or a broader jurisdiction. The ALC stated that for now, it will just be for the City and County of Honolulu so we can handle our own cases and precedent. But, in the future she would like to expand the compendium to include other counties and the state advisory opinions. Commissioner Adler suggested that we partner with other counties for resources.

5. Legislation

a. Resolution 19-331 Initiating Amendments to the Revised Charter of the City and County of Honolulu 1973 (2017 Edition), Relating to the Honolulu Ethics Commission – Update

Resolution 19-331 was introduced by Councilmember Waters. It provides the Commission with budget flexibility similar to the Department of the

Prosecuting Attorney. The measure passed second reading and its second committee referral.

- b. Resolution 20-83, FD1 Initiating Amendments to the Revised Charter of the City and County of Honolulu 1973, As Amended (2017 Edition), Relating to Honolulu Ethics Commission Staff – Update

Resolution 20-83 would exempt Ethics Commission staff from the classification plan. The measure passed second reading and its second committee referral.

The EDLC stated that both resolutions must be approved at the July City Council meeting in order to be placed on the ballot for November.

6. Education Opportunities – Commissioners and Staff

- a. COGEL 42nd Annual Conference (December 13-16, 2020), Virtual Meeting (Hosted by City of Atlanta) – Update

The EDLC announced that the Council on Government Ethics Laws (COGEL) 42nd annual conference will be held virtually and free for Commissioners and staff.

III. Executive Session Determination

- A. For Discussion and Action: Whether the Ethics Commission Should Exercise Its Discretion to Consider Whether There Is Probable Cause to Believe That a City Employee Violated Revised Charter of Honolulu Section 11-104

Vice Chair Monk made and Commissioner Adler seconded a motion that the Ethics Commission should exercise its discretion to consider whether there is probable cause to believe that a city employee violated RCH § 11-104. The motion passed unanimously.

Vice Chair Monk made and Commissioner Adler seconded a motion to enter Executive Session. The motion passed unanimously.

The Commission entered into Executive Session.

IV. Executive Session (The following agenda items will be reviewed in executive session pursuant to Section 92-5(a)(2), Hawaii Revised Statutes (HRS), to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; or Section 92-5(a)(4), HRS, to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities.)

- A. For Decision: Whether There Is Probable Cause to Believe That a City Employee Violated Revised Charter of Honolulu Section 11-104

Commissioner Amano made and Vice Chair Monk seconded a motion to exit

executive session and return to open session. The motion passed unanimously.

The Commission exited Executive Session.

Chair Marks reported that the Commission voted unanimously that there was probable cause to believe that a city employee violated Revised Charter of Honolulu Sec. 11-104 and authorized staff to issue a Notice of Alleged Violation.

V. Strategic Planning

A. *Ethics Commission–2027 (Amended)*

1. PIG – Review Strategic Plan Top Priorities (Chair Marks, Vice-Chair Monk, Commissioner Suemori)

The EDLC stated that the March 2020 PIG meeting was cancelled.

Chair Marks added that the PIG will also look at redoing legislation for financial disclosures and lobbyists registrations. This includes items that have been taken up in various meetings.

The EDLC is drafting an agenda that includes law change updates and fixing areas in the law.

Commissioner Amano volunteered to be on the PIG.

COR Deputy Moana Yost stated that Commissioner Amano couldn't join the PIG because there can't be a quorum of the Ethics Commission in the PIG.

Vice-Chair Monk stated that the first meeting will most likely be devoted to prioritizing and scheduling which items to take up and when.

Commissioner Adler stated that he is available to help the PIG.

VI. Adjournment – Next Meeting: August 19, 2020

At approximately 12:50 p.m., Commissioner Lilly made and Vice Chair Monk seconded a motion to adjourn the meeting. The motion carried unanimously.